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Recreational Boaters of California

Key Legislation Update

September 15, 2015

The State Legislature adjourned the first year of the 2015-2016 legislative session on September 11, sending over two hundred pieces of legislation to Governor Jerry Brown for his consideration prior to an October 11 deadline.

Following is an overview of the key measures and their status:

Legislation Enacted into Law

Boating Under the Influence [RBOC Support Position]

AB 539 [Levine] would authorize the issuance of a search warrant to compel a blood draw from a person suspected of operating a boat while under the influence of alcohol or drugs, when the following conditions are present:

A blood sample constitutes evidence that tends to show a violation of specified sections of the Harbors and Navigation Code relating to the operation of a marine vessel while under the influence of drugs or alcohol;

The person from whom the sample is being sought has refused an officer's request to submit to, or has failed to complete, a blood test; and

The sample will be drawn from the person in a reasonable, medically approved manner.

With these provisions, the measure would bring boating laws in line with vehicular DUI laws in a reasonable manner, and would provide law enforcement with the proper tools to investigate and prosecute those boating under the influence.

Personal Flotation Devices [RBOC Support Position]

AB 638 [Frazier] would prohibit a person from operating a motorboat, sailboat, or vessel of any length unless every person on board under the age of 13 is wearing a PFD while the vessel is underway.

There are specific exceptions for children under the age of 13 who are in an enclosed cabin, are tethered to a sailboat, are engaged in emergency rescues, are participating in specified organized events, or are operating certain federally-regulated vessels.

San Francisco Bay Restoration Authority

AB 746 [Ting] extends the sunset date from January 1, 2029, to January 1, 2049, for statutes governing the San Francisco Bay Restoration Authority and makes other specified revisions including the addition of an elected official of a bayside special district to the list of elected officials that may serve as the Chair of the Authority, instead of a resident of the San Francisco Bay Area.

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Invasive Species Week

SCR 68 [Galgiani] would declare June 6, 2015, to June 14, 2015, inclusive, as the 2015 California Invasive Species Action Week and would urge all Californians to participate in activities that raise awareness of invasive species issues and to take action to prevent their spread.

State Budget

AB 93, SB 97 and budget trailer bills including SB 83 provide the budget for the state's 2015-2016 fiscal year that commenced July 1 of this year for the Division of Boating and Waterways within the Department of Parks and Recreation, the State Lands Commission, the San Francisco Bay Conservation and Development Commission, the Delta Protection Commission, the Delta Stewardship Council, and other entities.

Legislation on the Governor's Desk – October 11 Deadline for Action

Marine Debris [RBOC Support Position]

AB 1323 [Frazier] would enhance the removal of marine debris from the state's waterways. The bill would provide authority for any state, county, city, or other public agency having jurisdiction over a given location, or having authority to remove marine debris or solid waste, to remove and destroy marine debris that is floating, sunk, partially sunk, or beached in or on a public waterway, beach, or on state tidelands or submerged lands, subject to specific conditions:

The marine debris meets the definition provided in the Harbors and Navigation Code and the value of the debris does not exceed the cost of removal and disposal.

If the debris cannot be identified as belonging to an individual, a peace officer or authorized public employee securely attaches to the marine debris a notice stating that the marine debris shall be removed by the public agency if not claimed or removed within 10 days.

If the debris can be identified as belonging to an individual, a 10-day notice is attached to the marine debris, and sent to the owner of the marine debris, if known, at the owner's address of record with the Department of Motor Vehicles, by certified or first-class mail.

The marine debris is not removed prior to the ten day notification period.

Low-Carbon Fuels

AB 692 [Quirk] would require at least 3% of the aggregate amount of bulk transportation fuel purchased by the state government to be procured from very low carbon transportation fuel sources. The bill would require, except as provided, the percentage to be increased by 1% each year thereafter until January 1, 2024.

Search and Rescue Costs

AB 896 [Wagner] would provide that whenever a county either receives a reimbursement claim from another county for a search or rescue, or conducts its own search or rescue, of one of its residents who is 16 years of age or older, the county may in turn seek reimbursement for the actual costs incurred from that resident, if the need for the search or rescue necessitated the use of extraordinary methods and was caused by an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act.

The bill would require the resident to pay within 30 days after being billed, and would prohibit the county from collecting reimbursement from persons whom the county determines are unable to pay the charges. The bill would also prohibit a county from billing a resident more than \$12,000, adjusted annually for inflation as determined by the Department of Industrial Relations, for a search or rescue, unless the search or rescue was caused by an act that resulted in a felony conviction of that resident under federal or state law. This bill would provide that the county may only seek reimbursement if the board of supervisors passes an ordinance consistent with this bill.

Diesel Tax Reimbursements

AB 1032 [Salas] would provide for a refund of the excise tax paid on biodiesel that is blended with tax-exempt diesel fuel.



Safe Drinking Water Act

AB 1531 [Assembly Environmental Safety and Toxic Materials] would make a variety of technical changes to provisions in the Water Code and Health and Safety Code, including eliminating outdated provisions of law, correcting erroneous cross references, and providing statutory and regulatory authority to conform state drinking water and water quality requirements to federal requirements.

Additionally, as follow up to recently enacted legislation that transferred the Safe Drinking Water Program from the Department of Public Health to the State Water Resources Control Board, this legislation would make several statutory changes to improve the efficiency and effectiveness of the Safe Drinking Water Regulatory Program.

State Parks

SB 204 [Pavley] would require the Director of Parks and Recreation to promote and regulate the use of the state park system in a manner that conserves the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations.

Los Angeles Tide and Submerged Lands

SB 399 [Hall] would extend from 50 to 66 years the maximum term that the City of Los Angeles may lease or grant its tidelands and submerged lands for specified purposes.

Special Session Legislation – Transportation & Infrastructure Funding

Note - The Governor on June 16 convened an extraordinary session of the Legislature on funding for transportation infrastructure.

Legislation enacted in this session takes effect immediately, and the Legislature can take action even though the regular legislative session adjourned on September 11.

SBx1 1 [Beall] would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund.

Deposited funds would include revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill and \$0.10 of a \$0.22 per gallon increase in the diesel fuel excise tax imposed by the bill, including an inflation adjustment, as provided, an increase of \$35 in the annual vehicle registration fee, a new \$100 annual vehicle registration fee applicable to zero-emission motor vehicles, as defined, a new annual road access charge on each vehicle, as defined, of \$35, and repayment, over a 3-year period, of outstanding loans made in previous years from certain transportation funds to the General Fund.

SBx1 4 [Beall] would declare the intent of the Legislature to enact statutory changes to establish permanent, sustainable sources of transportation funding to maintain and repair the state's highways, local roads, bridges, and other critical transportation infrastructure.

SBx1 5 [Beall] would declare the intent of the Legislature to enact legislation to establish permanent, sustainable sources of transportation funding to improve the state's key trade corridors and support efforts by local governments to repair and improve local transportation infrastructure.

ABx1 8 [Chiu] would increase the additional sales and use tax rate on diesel fuel to 5.25%.

SBx1 7 [Allen] would increase the additional sales and use tax rate on diesel fuel to 5.25%. The bill would restrict expenditures of revenues from the July 1, 2016, increase in the sales and use tax on diesel fuel to transit capital purposes and certain transit services.

ABx1 1 [Alejo] would, with respect to any loans made to the General Fund from specified transportation funds and accounts with a repayment date of January 1, 2019, or later, would require the loans to be repaid by December 31, 2018.



Special Session Legislation – Health Care Financing

Note - The Governor on June 16 convened an extraordinary session of the Legislature on health care financing. Legislation enacted in this session takes effect immediately, and the Legislature can take action even though the regular legislative session adjourned on September 11.

Cocktail Tax

ABx2 18 [Bonilla] would impose a surtax on every individual for each purchase of a cocktail from an on-sale licensee for consumption or other use on the licensed, in-state premises of that on-sale licensee at the rate of \$0.05 per cocktail, and to be adjusted annually.

Legislation Not Moving Forward This Year

Renewable Fuels [RBOC Support Position]

AJR 15 [Grove] would urge the President and the Congress of the United States to pass meaningful legislation to reform the federal Renewable Fuel Standard program to address specified concerns.

Renewable Fuels

SB 687 [Allen] would require the California Air Resources Board [ARB] to develop a carbon-based renewable gas standard [RGS] that requires each gas seller to provide specified percentages of renewable gas to retail end-use customers.

Invasive Aquatic Plants [RBOC Support Position]

SB 223 [Galgiani] would require the Division of Boating and Waterways within the Department of Parks and Recreation, no later than 90 days after the effective date of the bill, to establish, and designate and provide staff support to, an advisory and oversight committee to evaluate and monitor the activities of the division relating to the management and control or eradication of invasive aquatic plants. The bill would require the membership of the advisory and oversight committee to include an equitable number of representatives from specified interests and would require the advisory and oversight committee to meet, at a minimum, twice per year and communicate any findings or recommendations to the division.

Delta Research

AB 501 [Levine] would require a person conducting Delta research, whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, samples, physical collections, and other supporting materials created or gathered in the course of that research.

Judicial Review of BDCP

SB 772 [Stone] would state the intent of the Legislature to enact legislation establishing judicial review procedures for the Bay Delta Conservation Plan.

Delta Nonnative Species

AB 1201 [Salas] would require the Department of Fish and Wildlife to develop a science-based plan that addresses predation by nonnative species upon species of fish listed pursuant to the California Endangered Species Act that reside all or a portion of their lives in the Sacramento-San Joaquin Delta and that considers predation reduction for Chinook salmon and other native species that are not listed.

Alcoholic Beverages & Nonprofits

AB 1035 [Linder] would provide that a nonprofit organization that auctions donated beer or wine that is made for personal or family use and has a value of less than an undetermined amount is not required to obtain a license under the Alcoholic Beverage Control Act.



Motor Vehicle Fuel Taxes

SB 321 [Beall] would modify the method by which the State Board of Equalization [BOE] annually adjusts the motor vehicle "fuel tax swap" rate to take into account a five-year average of fuel prices, with the objective of smoothing perceived revenue volatility.

SCA 7 [Huff] would prohibit the Legislature from borrowing revenues from fees and taxes imposed by the state on vehicles or their use or operation, and from using those revenues other than as specifically permitted by Article XIX. The measure would also provide that none of those revenues may be pledged or used for the payment of principal and interest on bonds or other indebtedness. The measure would delete the provision that provides for use of any fuel tax revenues allocated to mass transit purposes to be pledged or used for payment of principal and interest on voter-approved bonds issued for those mass transit purposes, and would instead subject those expenditures to the existing 25% limitation applicable to the use of fuel tax revenues for street and highway bond purposes. This bill contains other related provisions and other existing laws.

Gasahol

AB 1442 [O'Donnell] would redefine gasahol to instead mean all blends of gasoline and alcohol containing more than 21% or a percentage determined by regulations adopted by the State Board of Equalization.

Imperial Beach Lifeguards

SB 559 [Block] would extend enhanced temporary disability benefits [known as "4850 time"] to lifeguards employed year round on a regular, full-time basis by the City of Imperial Beach.

Diamond Valley Reservoir – Recreational Use.

SB 143 [Stone] would exempt from the prohibition against recreational use, in which there is bodily contact with water, in a reservoir in which water is stored for domestic use, recreational activity in which there is bodily contact with water by any participant in the Diamond Valley Reservoir if certain standards are met.

Parks Bond

SB 317 [De León] would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016 which, if approved by the voters at the November 8, 2016 general election, authorizes the sale of general obligation bonds to benefit state and local parks in the amount of \$2.45 billion.

Support RBOC

We estimate that, over the years, RBOC's efforts are saving each boating family several hundreds of dollars each year. RBOC represents all California Boaters and operates primarily on donations from boaters like You!

We need your help.

RBOC encourages all yacht club members to contribute a minimum of \$20 per boating family per year.

Boaters who are not members of yacht clubs, benefit from RBOC's activities, and are asked to contribute \$20 per family. Not much for such a return on investment!!

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